

Fair Work Commission  
Level 10, Terrace Tower, 80 William Street  
East Sydney NSW2011  
By email: amod@fwc.gov.au

05 May 2016

**Re: AM2014/245 AWU reply submissions on drafting and technical issues in the Exposure Draft for the for the *Sporting Organisations Award 2016***

## **Background**

1. On 23 March 2016 the President, Justice Ross published a Statement directing parties to file submissions in reply to drafting and technical issues raised in Group 3 exposure drafts by 05 May 2016.
2. The following parties filed submissions on drafting and technical issues found in the Exposure Draft for the *Sporting Organisations Award 2016* ('the Exposure Draft') as published on 18 December 2015:
  - Australian Workers Union (**AWU**)<sup>1</sup>
  - Business SA (**BSA**)<sup>2</sup>
  - Australian Federation of Employers and Industries (**AFEI**)<sup>3</sup>
3. The AWU submissions in reply appear below.

## **Reply submissions**

### **Wages for junior employees**

4. **Clause 10.2(b) [BSA, paragraph 13.2; AFEI, paragraph 42]:** Clause 10.2(b) sets the wages for junior employees in relation to clerical and administrative staff and includes a table. The rate is set as a percentage of the applicable adult rate according to classification. This percentage increases with age, but does not appear to be affected by an employee's classification. Although there are other 6 grades classified, the table groups "Grade 1 or 2", and does not list any other grades. Presumably this reflects that junior employees are rarely employed in higher classifications in clerical and administrative roles.

<sup>1</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/AM2014245-sub-awu-180416.pdf>

<sup>2</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014217andors-sub-bussa-150416.pdf>

<sup>3</sup> <https://www.fwc.gov.au/documents/sites/awardsmodernfouryr/am2014221andors-sub-afei-150416.pdf>

5. Compared to the current award at clause 17.2(b), the Exposure Draft adds the following subclause for clarification:

*i) Junior employees will be entitled to the percentage of the applicable adult weekly rate (or in the case of part-time or casual employees, the hourly rate) for their classification as follows:*

6. The AFEI prefer the corresponding current clause to that of the Exposure Draft per paragraph 42 of their submissions. We are unsure if the AFEI oppose the inclusion of subclause (i), or the altered wording of subclause (ii) of the Exposure Draft. The AWU address both possibilities:

a. Regarding subclause (i), and in accordance with our own submissions on the Exposure Draft, the AWU agree that the wage percentage rates are calculated irrespective of the level of work being performed. To this end we suggest the column title “% of Grade 1 or 2” is removed, and replaced with “% of the appropriate adult minimum wage in clause 10.2(a)”. This is consistent with the wording in the table at clause 10.1(b)(i) in relation to ‘coaching and related staff’. If AFEI oppose the inclusion of the introduced subclause (i) we must say we support it. This wording ensures that a junior is paid at the correct rate according to their classification.

b. Regarding subclause (ii), the AWU also prefer the current wording which states:

*Provided that a junior who has attained the age of 18 and has been continuously employed for 12 months will be paid the full adult rate for their classification.*

We compare the wording of the Exposure Draft:

*A junior employee who, at the age of 18, has been continuously employed for 12 months will be paid the full adult rate for their classification.*

The current clause is clearer – a junior employee must be 18, and employed for 12 months to access the full rate. The amended clause does not capture an older junior employee who has been employed for 12 months, but is not necessarily as young as 18 on the 12-month anniversary date. The full rate clearly applies to any junior employee who has completed the 12 months on a continuous basis. We note this also answers Business SAs enquiry in relation to ‘coaching and related staff’ at clause 10.1(b), which suffers from the same amendment in relation to corresponding clause 17.1(b) of the current award.

7. We agree with the submissions of Business SA in relation to clause 10.2(b) at paragraph 13.2.1 of their submissions. This is consistent with

our reply submissions set out above, and at paragraphs 9 and 10 of our submissions on the Exposure Draft.

**Full-time employment**

8. **Clause 6.3(b)(ii) [BSA, paragraph 13.1.1]:** (Note, BSA intended to refer to clause 6.3 rather than 6.4). BSA note the word 'relevant' has not been carried over to the Exposure Draft to read 'relevant minimum wage'. We support an amendment to bring these two clauses into line.

**END**



Roushan Walsh  
**NATIONAL LEGAL OFFICER**